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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/441,729	11/16/1999	ERIC DAVID BLOCH	SGI-15-4-934	4930

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EXAMINER

DEMICO, MATTHEW R

ART UNIT	PAPER NUMBER
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2697

DATE MAILED: 08/12/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/441,729

Applicant(s)

BLOCH ET AL.

Examiner

Matthew R Demicco

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 November 1999.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 November 1999 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The International and PCT prior art disclosed under 37 CFR 3.73(b) have not been considered by the Examiner. Applicant must submit copies of these documents if consideration is requested per 37 CFR 1.98.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Figure 7, 724 and 732. ✓ ✓

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because of the following informalities: on Page 12, Line 20 and in Figure 2, the word "renderor" should be corrected to the proper spelling --renderer--.

Appropriate correction is required. ✓

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,206,929 to Langford et al. in view of U.S. Patent No. 5,790,794 to DuLac et al.

Regarding Claim 1, Langford discloses a video editing system (See Figure 2) comprising a plurality of video sources (50) and a workstation for receiving video clips (31) and displaying them (35). It is inherent in such a video editing system that a method of playing media data is facilitated by the editing system. A user creates a playlist (Col. 4, Lines 32-44) that specifies a first and second clip to be added to the production (Col. 4, Lines 48-57). The user can display these playlist clips (See Figure 9) to preview cuts and scenes. This reads on the claimed accessing a playlist wherein the playlist specifies a first and second clip to be played. Further, the user may mark “in” and “out” frames of these clips in the playlist to specify scenes to cut for inclusion in a finished production (Col. 7, Lines 14-20). The software then identifies the groups of frames for each of the edits (Col. 4, Lines 47-57) and requests/receives (Col. 5, Lines 4-24) the specified frame-accurate video data from the random access video sources (Col. 3, Lines 20-25). This reads on the claimed translating the playlist into a plurality of frame accurate requests that specify first and second respective frames of the first and second clip, transmitting the requests, and receiving the frames. Further, it is inherent in any video editing system that in rendering video frames, a predetermined framerate must be implemented and that the final video production will be a seamless combination of first and second sets of frames. What is not disclosed, however, is that the media data is stored over a data network or that the first frame of the second set of frames is received prior to rendering of the last frame of the

first set of frames. DuLac discloses a video storage system wherein a plurality of servers (See Figure 2, 52) store video data (See Figure 3) that is accessible over a communications network (See Figure 2, 56) by a client workstation (54). DuLac further discloses that it is necessary to maintain a continuous transmission of data at a proper rate in order to assure that video display is uninterrupted (Col. 9, Lines 42-46). It is inherent in such real-time network-based data delivery systems that data may be buffered on the receiving side in order to ensure smooth playback, such that the first set of frames from the second video source would be received and buffered before the last set of frames from the first video source is exhausted. DuLac is evidence that ordinary workers in the art would appreciate the ability to store large amounts of video data on multiple dedicated server machines accessible over a network that can deliver the data in real-time. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Langford with the network-based storage of DuLac in order to make a vast amount of video clip storage available to a plurality of clients in diverse locations.

Regarding Claim 2, Langford in view of DuLac disclose a method as stated above in Claim 1. Langford discloses that video content may be stored on multiple different sources (See Figure 2, 50). Further, DuLac discloses a method wherein multiple servers may be used to store video content (See Figure 2). Therefore, the combination of Langford in view of DuLac would disclose a first source comprising a first server coupled to the data network and a second source comprising a second server coupled to the network.

Regarding Claims 3 and 4, Langford in view of DuLac disclose a method as stated above in Claim 1. Langford discloses a method wherein the first and second plurality of frame accurate requests each specifies a respective one of said first and second respective frames (Col. 4, Lines 47-57).

Regarding Claim 5, Langford in view of DuLac disclose a method as stated above in Claim 1. Langford further discloses the use of a jog control (See Figure 13), which, as is well known in the art, is used to control the framerate of the video playback. This reads on the claimed method wherein the predetermined framerate is adjustable by a user.

Regarding Claim 6, Langford in view of DuLac disclose a method as stated above in Claim 1. Langford further discloses a method wherein the media data comprises audio (Col. 5, Line 25) and video (Col. 5, Line 15).

Regarding Claim 7, Langford in view of DuLac disclose a system for playing media data over a network as stated above in Claim 1. DuLac further discloses a client computer (54) coupled to the data network. Langford discloses a client computer (31) with a user interface (See Figure 9) for receiving a playlist from a user as stated above. Such a system that translates the playlist into a plurality of frame accurate requests must inherently have a playback engine.

Regarding Claim 8, Langford in view of DuLac disclose a system as stated above in Claim 7. DuLac discloses a system with first and second servers (See Figure 2) as stated above wherein each server comprises data storage (See Figure 3) for storing said first and second clips.

Regarding Claim 9, Langford in view of DuLac disclose a system as stated above in Claim 7. Langford discloses a system wherein the user interface (See Figure 9) allows a user to specify a beginning frame and ending frame of a clip to be played as stated above.

Regarding Claims 10 and 11, Langford in view of DuLac disclose a system as stated above in Claim 7. Further, a system is disclosed wherein a first and second plurality of frame accurate requests each specifies a respective one of the first and second plurality of frames as stated above in Claims 3 and 4.

Regarding Claim 12, Langford in view of DuLac disclose a system as stated above in Claim 7. Further, a system is disclosed wherein the predetermined framerate is adjustable by the user as stated above in Claim 5.

Regarding Claim 13, Langford in view of DuLac disclose a system as stated above in Claim 7. Further, a system is disclosed wherein the media data comprises audio and video data as stated above in Claim 6.

Regarding Claim 14, Langford in view of DuLac disclose a system for playing media data over a network as stated above in Claim 1. It is inherent in such a computer-based system that a computer readable medium (memory) containing computer readable code (software) be disclosed.

Regarding Claim 15, Langford in view of DuLac disclose a medium as stated above in Claim 14. Further disclosed is a system wherein the first and second source comprise a first and second server coupled to the network as stated above in Claim 2.

Regarding Claim 16 and 17, Langford in view of DuLac disclose a medium as stated above in Claim 14. Further, a system is disclosed wherein a first and second plurality of frame accurate requests each specifies a respective one of the first and second plurality of frames as stated above in Claims 3 and 4.

Regarding Claim 18, Langford in view of DuLac disclose a medium as stated above in Claim 14. Further, a system is disclosed wherein the predetermined framerate is adjustable by a user as stated above in Claim 5.

Regarding Claim 19, Langford in view of DuLac disclose a medium as stated above in Claim 14. Further disclosed is a system wherein the media data comprises audio and video data as stated above in Claim 6.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. U.S. Patent No. 5,414,808 to Williams discloses a video editing system with frame-based selection and mass storage of data.
- b. U.S. Patent No. 6,201,924 to Crane et al. discloses a GUI-based video editing system with an intermediate disk-based buffer and playlist comprising event times.
- c. U.S. Patent No. 5,982,364 to Beckwith discloses a video editing system with a data store and a plurality of video clips with frame based access.
- d. U.S. Patent No. 5,682,326 to Klingler et al. discloses a video processing system with GUI for editing video and audio media with a series of time-correlated tracks.



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- e. U.S. Patent No. 5,956,716 to Kenner et al. discloses a video clip storage and retrieval system utilizing multiple servers connected over a network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew R Demicco whose telephone number is (703) 305-8155. The examiner can normally be reached on Mon-Fri, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5359 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.



mrd

August 11, 2003



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